



1120 SW Fifth Ave, Suite 1331, Portland OR 97204

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Jo Ann Hardesty Commissioner Chris Warner Director

PRIVATE-FOR-HIRE TRANSPORTATION ADVISORY COMMITTEE MEETING SUMMARY

FINAL DRAFT - January 25, 2021 • 1:00 PM – 2:30 PM

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Advisory Committee Members	Position	Affiliation	Present
Mark Williams	PBOT (non-voting member)	Regulatory Division Manager	Yes
Nickole Cheron	At-Large Community Member with a Disability	Portland Commission of Disabilities	No
Teresa Leatham	LPT Company	Executive Towncar	No
Ahmed Alzubaidy	LPT Driver	A1 Diamond Limo	No
Kirk Foster, Vice-Chair	Non-Emergency Medical Transportation Company	Wapato Shores	Yes
Jemal Abdi	NEMT Driver	JB Medical Transport, LLC	No
Debbie Brooks	Port of Portland	Port of Portland	Yes
Ed Kelly	Shuttle Company	ecoShuttle	Yes
Idris Khoshnaw	Shuttle Driver	Hillsboro Airporter & Car Service	No
Steve Hext, Chair	Taxi Company	Broadway Cab	Yes
Sirous Tanzadeh	Taxi Driver	Radio Cab	Yes
Caleb Weaver	TNC Company	Uber	No
Billie Moser	Tourism Industry	Travel Portland	Yes
Margo Moore	TriMet	TriMet-Accessible Transportation	Yes
Vacant	Pedicab Company		NA
Vacant	TNC Driver		NA
Vacant	Tour Bus Company		NA
Dave Benson	PBOT	Parking Group Manager	No
Gabby Sanchez	PBOT	PBOT Regulatory Division	Yes



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Advisory Committee Members	Position	Affiliation	Present
Matthew Erickson	PBOT	PFHT Program Manager	No
Tracy M. Smith	Facilitator	Inhance LLC	Yes
Jamie Lynne K. Souza	Recorder	Inhance LLC	Yes

Other Attendees: Darin Campbell, Radio Cab; April Murchinson, PDX; Sam Cho, Lyft.

INTRODUCTIONS AND REVIEW OF MEETING AGENDA: STEVE HEXT, CHAIR

- Steve called the meeting to order at 1:03 PM.

ANNOUNCEMENTS FROM COMMITTEE MEMBERS: COMMITTEE MEMBERS

- No announcements.

APPROVAL of 11/23/2020 MEETING SUMMARIES: STEVE HEXT, CHAIR

- No revisions or objections were made for November 23, 2020, Meeting Summary.

VOTE: Unanimous approval.

ACTION: Approved.

PFHT PROGRAM STAFF REPORT: MARK WILLIAMS, PBOT

- Virtual Audits
 - PBOT is no longer conducting virtual audits. The software was great and served its purpose, however, the received responses from drivers were lower than expected due to fewer drivers on the road. Therefore, it was not the time to conduct virtual audits since PBOT was unsure who was driving one day or another. There are many drivers permitted in our system and since this software randomly selects drivers, PBOT doesn't want to suspend drivers that don't respond or comply with the virtual audit. In the future, PBOT will be looking at a version of this software. But in the next two weeks, we'll hopefully start conducting 'curbside audits', where audits will take place outside of the vehicle and handled through the driver's window by the inspector.



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- iVisa
 - PBOT continues to use this application that allows drivers to take their photo ID picture and send it to PBOT. The app takes the photo of the driver, crops it to PBOT's specifications, and edits it onto a PBOT background. It seems to be working well.
 - Deferral Payment Plan and Fleet Minimum Extension
 - PBOT has extended deferral payments and the deferral payment program. Right now, drivers that are renewing their driver's permit can defer their payments through the end of March 2021. All existing deferral payment plans have also been deferred through the end of March 2021. This will be the last time for extending these payments because it'll be up to a full year of deferred payments since the start last April 2020.
 - Topic Submission Update: Allow Administrator to waive certain disqualifiers and issue a permit to the applicant (Driver Appeal Committee)
 - Last meeting, Dave Benson, Mark's boss and ex-law enforcement of 32 years, shared comments on different felonies that this State may consider a different class than another state. He'll come back to the next meeting with either suggestions or recommendations on how to meet the need of the problem that's trying to be solved.
 - Darin Campbell: What can help get this moving?
 - Mark Williams: Dave was going to reach out to the District Attorney, but he believes that hasn't happened yet. He thinks this should be approached with a different language proposal that's cleaner and meets the objective we're trying to meet. He is happy to meet offline to discuss further. The original language probably came from Noah Ernst at Radio Cab.
 - Darin Campbell: The language came from him and Noah Ernst. Darin will meet offline with Mark for further discussion.
 - Mark Williams: It can be difficult to understand these types of felonies and misdemeanors unless you're a district attorney or in law enforcement. He believes they can get this drafted.

PUBLIC COMMENT-NON-AGENDA: STEVE HEXT, CHAIR

- Darin Campbell: Oregon State Legislature convened, and interesting proposals are being floated. Last week, State Representative McLain introduced a bill instructing PBOT to draft an Administrative Rule regarding statewide regulations framework solely for Transportation Network Companies (TNC). Darin sent her an email on Friday and has not received a response. He has met with her on multiple occasions discussing what the differences are in our industry. There is no TNC industry or Taxi industry, but we are all part of the transportation industry. Stakeholders should be involved in this. This is the second or third



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time she's introduced something similar on behalf of Lyft. Keep in mind it's out there and will probably have a hearing, but stakeholders of PFHT, specifically in this state, should want to be a part of that.

- Steve Hext: Is this another attempt to avoid City regulations and go with statewide regulations?
- Darin Campbell: It's hard to say because this instructs the Oregon Department of Transportation (ODOT) to work on something and have language back to the state in two years or 2022. Although, from the start, it excludes all of the stakeholders in the industry and he thought we were past that when it came to the statewide regulatory framework.
- Sam Cho: Lyft is not introducing any legislation this session. Due to miscommunication, Lyft mistakenly introduced a statewide insurance framework, but will not move forward with that bill. PBOT made it clear where they stand on the bill and Lyft has no intentions of moving forward with the bill. The staff made the mistake of moving the bill forward, but this Committee has his word that Lyft is not working on a statewide framework this session. Also, due to Covid, Lyft was not able to hold the stakeholder meetings, but fully intend to post the 2021 session.
- Steve Hext: Sam, what is your position at Lyft?
 - Sam Cho: He is the Public Policy Manager for the Pacific Northwest Region and joined Lyft last July 2020 and also leads Lyft's efforts in Oregon.

UPDATE ITEM: FEES AND FARES CO-SUBCOMMITTEE: MARK WILLIAMS, PBOT AND DARIN CAMPBELL, RADIO CAB

- Mark Williams: The Subcommittee met once, but unfortunately did not have all Subcommittee members present. Mark shared a brief history on where the original Subcommittee left off specifically around fees and fares. Before the next meeting, we'd like to establish a Problem Statement on what problem this Subcommittee's trying to solve and why. Mark looks forward to that conversation because if there are good reasons that impact our community, economy, and our drivers then maybe we're on to something. We're hoping to come back with something for this Committee, which may not be a formal recommendation, but at least an idea of a framework or something similar.
- Darin Campbell: He was unable to attend the Subcommittee meeting due to technical difficulties but caught up later with Mark on what was discussed and read the minutes from the meeting. He'll share some history at the next Subcommittee meeting and believes there won't be any problems in showing reason to move forward with these topics and will be able to bring something back to this Committee.
- Tracy M. Smith: The Subcommittee's name was changed to the Regulatory Fee Subcommittee and the meeting summary from January 12, 2021, was shared with this Committee.
 - Darin Campbell: Can we change the name to Fees and Fares Subcommittee?



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- Tracy M. Smith: Tracy will connect offline regarding a potential name change.

ACTION ITEM: REVISE TAXI METER SECTION TO CLEARLY INCLUDE DIGITAL TAXI METERS: MARK WILLIAMS, PBOT

- This particular section outlines the minimum standards for digital taxi meters, which has been discussed before, with simple standards on how we expect a taxi meter should function. This language will grow over time as we learn more about these systems, how they're tested for accuracy and the different security protocols. Therefore, it's good to have some basic language of minimum standards.
 - Steve Hext: Steve is concerned with the item "(e.) *Accurately calculates fare during a loss of GPS signal or degradation.*" Broadway Cab is not online yet but is still testing. Darin, is it safe to say the meters will calculate without GPS?
 - Darin Campbell: He knows some programs do that, but this language is looking at the soft meter being the hard meter. Across the country, the industry is moving away from the hard meter in cabs and we found ourselves behind the policy curve. For example, Las Vegas, for the most part, has completely gone away with the hard meter. But to answer Steve's question, yes, it can be done.
 - Steve Hext: So, the soft meters don't run on GPS? Broadway is still in development, but he assumed they ran on GPS. As long as they had GPS, they were good.
 - Darin Campbell: That's a technical question he may not be able to answer. However, he has asked Mark to have a discussion with those around the Last Vegas model to describe how it works, how it came about, and how it's worked out for them.
- Steve Hext: His concern is, do we want the item (e.) if no one's meter works without GPS before Exhibit C becomes a rule? Mark, where are we on this?
 - Mark Williams: There is no Council date yet, therefore this would go with the other recommendations. If we come up with additional and helpful information or need to revise or drop the item (e.), then we should bring it back to this Committee once more before going to Council. He will keep us posted on a Council date.
 - Steve Hext: Steve contacted his tech people to find out where their system is regarding the item (e.) and it seems like Darin's doing the same. Hopefully, we'll conclude before it goes to Council.
- Tracy M. Smith: This is an action item to be voted on to approve Exhibit C as it's written. Are we tabling this until the March 2021 meeting?
 - Steve Hext: He would like to table it until he gets an answer on item (e.) before moving forward. He wouldn't want to pass this and later find out the system doesn't run without GPS, which is his understanding of how the meters operate. He was operating under the assumption that the GPS



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was an integral part and thought they just needed to keep their GPS up. If these systems produce an accurate fare without GPS, then that's great but he'll need time to figure it out.

- Darin Campbell: It's mostly via Google Maps, so it will go by the latest updates in your system if it loses GPS coverage. Does that make sense?
- Steve Hext: He agrees as their GPS runs on a platform of Google Maps, however, drivers can take different routes and fares could be different. Also, a live GPS is needed to record the actual route.
- Mark Williams: He can continue to work with Darin Campbell and the contacts regarding the Las Vegas model. We can get a report of our findings via email to the Committee before the next meeting to be prepared to take action at that next meeting.
 - Steve Hext: He wants to get an answer from his company.
 - Darin Campbell: Darin will also reach out to Noah Ernst to find out where he got this language from.
- TABLED for further research and discussion.

UPDATE ITEM: NEMT DRIVER STATUS: MARK WILLIAMS, PBOT

- There are two separate issues here. First, are there any NEMT companies required to pay employment tax? Based on the determination the State would make, it's asking are you a 1099 employee? Secondly, are there drivers operating as NEMTs or another part of the industry that are entitled to Worker's Compensation coverage? These topics are very complicated and he has had discussions with people such as Kirk Foster, Steve Hext, Radio Cab, and has a phone call scheduled with SAIF to learn more about Worker's Compensation. He's even had the City Attorney take a look; however, he has no further updates. He hopes to have a conclusion on the matter by the next meeting. One of the City's concerns is this may not be regulated by or the responsibility of the City, but instead employment matters as our attorney has stated. Therefore, these employment matters would need to be addressed at the State level. He wants to do more research and return with a formal response. Does Kirk have anything to add?
- Kirk Foster: No, Mark has covered everything. We're awaiting the meeting with SAIF to hear their thoughts and also waiting for others to get back to Mark.
- Mark Williams: Mark has received a response from SAIF, however, that person could not answer his question. They are determining who he needs to talk to. However, finding the right person at the State has been difficult, and he's getting help to find the right person. Unfortunately, this is very complicated, and online information is not reliable, so hopefully, he can come back with something.
 - Steve Hext: He sends good luck as it's a lot of attorneys, judges, and hundreds of hours put in, yet still isn't clear.



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ADDITIONAL COMMENTS:

- Mark Williams: For the year 2021, the meeting dates for the PFHT Advisory Committee and the TNC Driver's Advisory Committee has been posted on PBOT's website, as well as the calendar invites. These meetings will take place every other month, which are six meetings a year. Therefore, it is important to come prepared with items wanting to be approved or recommendations made to make the best of our time. And hopefully, we can have better attendance since people have the opportunity to work around those dates.

CHAIR ADJOURNED THE BUSINESS MEETING AT 1:37 PM.

NEXT MEETING: Monday, March 25, 2021, via GoToMeeting.

Submitted by, Jamie Lynne K. Souza, Recorder